
PRELIMINARY DRAFT

No. 3348

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2008 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 35-46-1-11.4.

Synopsis: Smoking in passenger vehicles. Provides a \$25 penalty for a person who smokes in a passenger motor vehicle while a minor who is less than 13 years of age is in the vehicle. Provides that the penalty for a subsequent violation is \$100. Deposits penalties into the tobacco use prevention and cessation trust fund.

Effective: July 1, 2008.



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-46-1-11.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 11.4. (a) "Passenger motor vehicle" means a motor vehicle designed to:**

(1) carry passengers; and

(2) operate on a public highway (as defined in IC 9-25-2-4).

The term does not include a motor scooter (as defined in IC 9-13-2-104, a motorcycle (as defined in IC 9-13-2-108), a motorized bicycle (as defined in IC 9-13-2-109), or an off-road vehicle (as defined in IC 14-8-2-185).

(b) A person may not smoke or carry a lighted cigarette, cigar, or pipe or other lighted smoking equipment in a passenger motor vehicle while a child who is less than thirteen (13) years of age is in the passenger motor vehicle.

(c) A person who violates this section commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a person who violates this section is subject to a civil penalty of:

(1) twenty-five dollars (\$25) for the first violation; and

(2) one hundred dollars (\$100) for the second and each subsequent violation.

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Indiana tobacco use prevention and cessation trust fund established by IC 4-12-4-10.

